

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DOMONIQUE HINES, individually,
and on behalf of all other similarly
situated current and former employees
of KFC U.S. Properties, Inc.,

Plaintiffs,

v.

KFC U.S. PROPERTIES, INC., a
Delaware corporation; and DOES 1
through 100, inclusive,

Defendants.

Case No. 3:09-cv-02422-JM-DHB

**ORDER GRANTING MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND FOR
FINAL CERTIFICATION OF
SETTLEMENT CLASS**

Hearing Date: January 28, 2013
Hearing Time: 10:00 a.m.
Courtroom: 16
Judge: Hon. Jeffrey T. Miller

1 On January 28, 2013, a hearing was held on the motion of Plaintiff Domonique
2 Hines for final approval of the proposed class action settlement.

3 The parties have submitted the proposed Settlement Agreement, which this Court
4 preliminarily approved in its October 4, 2012 Order (Dkt. No. 146) (the "Preliminary
5 Approval Order").

6 Having received and considered the Settlement Agreement, the supporting papers
7 filed by the parties, the response of the Class Members to the Class Notice, and the
8 evidence and argument received by the Court at the final approval hearing on January 28,
9 2013, by means of this order (the "Final Approval Order") the Court grants final approval
10 to the Settlement Agreement, and HEREBY FINDS and ORDERS as follows:

11 1. Except as otherwise specified herein, the Court for purpose of this Final
12 Approval Order adopts all defined terms set forth in the Settlement Agreement.

13 2. This Court has jurisdiction over the subject matter of this litigation and all
14 claims raised in this action and released in the Settlement Agreement, and personal
15 jurisdiction over KFC U.S. Properties, Inc. ("KFC") and all Class Members.
16 Specifically, this Court has subject matter jurisdiction over this action pursuant to 28
17 U.S.C. §1332.

18 3. Pursuant to the Preliminary Approval Order, a Notice of (1) Proposed Class
19 Settlement and (2) Final Settlement Approval Hearing (the "Class Notice") and a Claim
20 Form were sent to each Class Member by first-class mail. The Claims Administrator
21 took reasonable steps to provide the Class Notice and Claim Form to Class Members
22 when it learned that the address to which those documents were mailed was no longer
23 accurate. These documents informed Class Members of the terms of the Settlement
24 Agreement, their right to claim a share of the settlement proceeds and the procedure
25 therefore, their right to object to the Settlement Agreement or to opt out of the Settlement
26 Agreement and pursue their own remedies, and their right to appear at the final approval
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1 hearing and be heard regarding approval of the Settlement Agreement. Notice was
2 provided with ample time for the Class Members to follow these procedures.

3 4. The Court finds that this notice procedure afforded adequate protections to
4 Class Members and provides the basis for the Court to make an informed decision
5 regarding approval of the Settlement Agreement based on the responses of the Class
6 Members. Notice was accomplished in all material respects in the manner prescribed by
7 the Settlement Agreement. The Court finds that the notice provided in this case was the
8 best notice practicable, and satisfied the requirements of due process and Federal Rule of
9 Civil Procedure 23 (“Rule 23”).

10 5. For the reasons stated in the Preliminary Approval Order, this Court finds
11 that the proposed settlement Class, as defined in the Settlement Agreement, meets all of
12 the legal requirements for class certification under Rule 23(a) and (b)(3), and it is hereby
13 ordered that certification of the Class is finally approved for purposes of settlement of
14 this action. The twelve persons who timely requested exclusion from the Class (who are
15 listed on Exhibit A to the Final Judgment) are not Class Members, and will not be bound
16 by the Judgment in this case.

17 6. The Court finds that the proposed settlement is reasonable based on a
18 weighing of the strength of Plaintiffs’ claims with the risk, expense, complexity, and
19 duration of further litigation. The Court also finds that the Settlement Agreement is the
20 result of arms’-length negotiations between experienced counsel representing the
21 interests of the Class and KFC, after thorough factual and legal investigation. The Court
22 further finds that the response of the Class to the Settlement Agreement supports
23 settlement approval. Specifically, no Class Member objected to the proposed settlement.
24 Accordingly, pursuant to Rule 23(e), the Court finds that the terms of the Settlement
25 Agreement are fair, reasonable, and adequate to the Class and to each Class Member.
26 *Staton v. Boeing*, 327 F.3d 93, 960 (9th Cir. 2003); *Class Plaintiffs v. City of Seattle*, 955
27 F.2d 1268, 1291 (9th Cir. 1992).
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1 7. The Court grants final approval to the Settlement Agreement, and orders the
2 parties to implement and comply with its terms.

3 8. Nothing in this Final Approval Order will preclude any action to enforce the
4 parties' obligations under the Settlement Agreement or under this order.

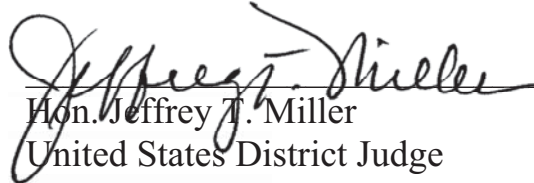
5 9. By operation of the entry of this Final Approval Order and pursuant to the
6 Settlement Agreement, all Class Members who have not timely opted out are
7 permanently barred from prosecuting against the parties any Released Claim as set forth
8 in the Settlement Agreement.

9 10. Pursuant to this Final Approval Order, the clerk shall enter final judgment in
10 this action, in accordance with the terms of the Settlement Agreement.

11 11. Without affecting the finality of the Court's judgment in any way, the Court
12 retains jurisdiction over this matter for the purposes set forth in the Settlement
13 Agreement, including the resolution of issues relating to interpretation, administration,
14 implementation, effectuation and enforcement of the Settlement Agreement, and ruling
15 on attorneys' fees and service payments.

16 12. This action is dismissed with prejudice, each side to bear its own costs and
17 attorneys' fees, except as provided by the Settlement Agreement and the Court's orders.

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19 Date: February 13, 2013


Hon. Jeffrey T. Miller
United States District Judge